



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
July 24, 2007

Present:

ES: Ed Smith, Chairman

PB: Paul Barker

RS: Robert Sherburne

MM: Matt Marro, Conservation Director

HJ: Henry Jungmann, Vice-Chairman

LG: Lucy Gertz

JK: Jeffery Kablik

7:00 Meeting opened by Ed Smith

7:15 Ronald Vieira – 7 Alden Street – Request for Determination of Applicability (Map 30, Parcel 17)

Relocation of a 10' X 12' shed to be placed on cement blocks within 10' of Long Pond

HJ: Motion waive the reading of the legal notice

JK: 2nd the motion

Unanimous 6-0

HJ: Motion to waive the reading of the abutters list

JK: 2nd the motion

Unanimous 6-0

A larger 10' X 20' shed which was on the neighboring property, has been removed. The new, smaller shed is placed on the original shed's footprint but being smaller, it is contained to the Vieira property. During a site visit, MM found the shed to be within the 30' no touch zone and appeared to be on the same footprint as the old shed.

JK: Motion to close the hearing for **7 Alden Street**

HJ: 2nd the motion

Unanimous 6-0

JK: Motion to issue a Negative Determination for **7 Alden Street**

LG: 2nd the motion

Unanimous 6-0

7:30 Susan Despres – 8 Brookview Circle - Request for Determination of Applicability (Map 14, Parcel 7, Lot 6) Proposing to raze an existing deck and construct an addition, patio, deck, retaining wall, grading and associated utilities within the 100 ft. Buffer Zone.

HJ: Motion waive the reading of the legal notice

RS: 2nd the motion

Unanimous 6-0

HJ: Motion to waive the reading of the abutters list

RS: 2nd the motion

Unanimous 6-0

All work is being done within the large flat lawn area and will not impact the resource area. During a site visit, **MM** found the proposed work is no closer than 72' away from the wetland and recommends a negative determination.

JK: Motion to close the hearing for **8 Brookview Circle**

RS: 2nd the motion

Unanimous 6-0

JK: Motion to issue a Negative Determination for **8 Brookview Circle** per plan dated 7/17/07

HJ: 2nd the motion

Unanimous 6-0

7:45 James Finn – 9 Alden Street – Request for Certificate of Compliance DEP #309-407 (Map 30, Lot 16) Parcel is stable, landscaped and no further work is proposed. **Steve Erickson**, the applicant's representative, stated that the foundation is compliant to the Order of Conditions but some items can not be verified, such as the salt and herbicide restrictions can not be verified. The original Order of Conditions was issued on 2/13/97. At this point, the applicant can not get a clear title on this property until the Certificate of Compliance is issued.

Abutters, Ronald and Linda Vieira, had issues with water that washes down on their property due to an approximate 18" build-up of soil on the 9 Alden Street property. This was causing a swale between the 2 properties and the low spot will collect and hold the water due to the high water table. This is especially troublesome in the winter. The committee felt this was not a conservation issue because it does not affect the resource area. **Mr Vieira** was advised that he could do a Request for Determination to fill in this swale. After a site visit, **MM** recommended a Certificate be issued.

HJ: Motion to issue a Certificate of Compliance for DEP #309-407 for **9 Alden Street**

RS: 2nd the motion

Unanimous 6-0

Director's Determinations and Report:

- ❖ The **Stormwater Management Plan** meeting will be held Friday, August 3, 2007 at 8:30 AM. EPA is asking every community to work up a by-law dealing with drainage/water run-off. **MM** is working with **NIMCOG** to clear up some language issues on a new by-law for the town. This would give the town more power over this discharge. The final plan will have to go before a Town Meeting to be approved.

Other Business:

❖ **Sign Forms/Invoices:**

- **20 Tyng Road (M 28, P56) – Order of Conditions DEP #309-0804**
- **378 Middlesex Road (M12, P42/0) – Certificate of Compliance DEP #309-0777**
- **72 Progress Ave. (M13, P46/0) – Order of Conditions DEP #309-0800**
- **57 Lower Dam Way (M13, P50A/0) – Extension to Order of Conditions DEP #309-650**
- **1 Demauro Drive (M27, P37A/2) – Certificate of Compliance DEP #309-792**
- **18 Jamie Way (M16, P51) – Order of Resource Area Delineation DEP #309-0803**
- **41 Willowdale Ave. (M32A/Block 140, Lot 0) – Order of Conditions DEP #309-0802**
- Sign Department invoices

❖ **Minutes/Bills/Other Business**

- A prepayment plan was received from Shattuck Oil to lock in a price for the oil for the Shurburne House. **HJ** is looking into this option.
- **William Look, 119 Mascuppic Trail**, has submitted a letter of interest in becoming a member of the Conservation Commission.

HJ: Motion to recommend accepting the letter from **William Look**

JK: 2nd the motion

Unanimous 6-0

ES will present the letter to the Board of Selectmen

- The Commission was asked to look into a deflated raft that been left on the beach and cement blocks buried on the beach at 1 Alden Street and 9 Alden Street. These items are blocking the natural flow of the water, trapping and depositing sand that washes down and changing the natural shore line of the lake. A site visit will be done on these areas.
- A Public Information Meeting is being held by the Massachusetts ACEC Program on August 22, 2007 at 7:30 PM at the Groton Middle School. This meeting is in regard to changes that are being made to the Chapter 91 Dock/Pier permits. As soon as the Commission receives some more information from ACEC, notification will be placed in the Lowell Sun newspaper and on Channel 8.
- Minutes from 6/26/07 meeting
 - HJ:** Motion to accept the minutes from 5/8/07 meeting
 - RS:** 2nd the motion
 - Vote 4-0 (PB and LG-abstain due to absence the week of 6/26)**
- Minutes from 7/10/07 meeting
 - HJ:** Motion to accept the minutes from 5/8/07 meeting
 - HJ:** 2nd the motion
 - Vote 4-0 (JK and RS-abstain due to absence the week of 7/10)**

Meeting adjourned at 8:15 PM

HJ: Motion to adjourn

PB: 2nd the motion

Unanimous 6-0

Respectfully submitted

Karen Steeves, Conservation Clerk